

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BRITTANI HENRY and BRITTNI ROGERS, et al.,</b>	:	<b>Civil Action No. 1:14-cv-129</b>
	:	
	:	<b>Judge Timothy S. Black</b>
<b>Plaintiffs,</b>	:	
	:	<b><u>Plaintiffs' Motion for Declaratory</u></b>
<b>vs.</b>	:	<b><u>Judgment and Permanent Injunctive</u></b>
	:	<b><u>Relief</u></b>
<b>Theodore E. Wymyslo, M.d., et al.,</b>	:	
	:	
<b>Defendants.</b>	:	
	:	

Pursuant to Fed. R. Civ. Pro. 57 and 65, Plaintiffs hereby move for:

- (1) a declaration that those portions of Ohio Const. Art. XV, §11 and Ohio Rev. Code § 3101.01(C), and any other provisions of the Ohio Revised Code that may be relied on to deny legal recognition to the marriages of same-sex couples validly entered in the jurisdiction of celebration (collectively the “marriage recognition bans”), violate rights secured by the Fourteenth Amendment to the United States Constitution in that same-sex couples married in jurisdictions where same-sex marriage is lawful, who seek to have their out-of-state marriage recognized and accepted as legal in Ohio and to enjoy the rights, protections and benefits of marriage provided to opposite-sex married couples under Ohio law, are denied their fundamental right to marriage recognition without due process of law and their right to equal protection; and
  
- (2) a permanent injunction prohibiting the Defendants and their officers and agents from
  - (a) enforcing the marriage recognition bans, (b) denying same-sex couples validly married in the jurisdiction of celebration all the rights, protections and benefits of

marriage provided under Ohio law, and (c) denying full faith and credit to decrees of adoption duly obtained by same-sex couples in sister jurisdictions; and

(3) issuance of birth certificates to the Plaintiffs for their children listing both same sex parents; attorney fees and such other and further relief as this court shall deem fair and reasonable. A memorandum in support and a proposed order are attached hereto.

Respectfully submitted,

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### CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2014, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

/s/Alphonse A Gerhardstein  
*Trial Attorney for Plaintiffs*